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In re Application of
Tomitaka Yamashta

App. No.: 09/683822
 Filed: February 20, 2002
 Conf. No.: 7485
 Title: SIGNAL INSPECTION DEVICE
 Examiner: M. Charioui
 Art Unit: 2857

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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July 9, 2004


 Ernest A. Beutler
 Reg. No. 19901

 JUL 13 2004
 OIPE / JCWS

Dear Sir:

APPELLANT'S BRIEF**RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences that would have a bearing on or be affected by the decision in this appeal.

REAL PARTY IN INTEREST

In addition to the appellant, the real party in interest is his assignee, Kabushiki Kaisha Moric, a Japanese company.

STATUS OF CLAIMS

Claims 1 through 5 remain in this application and all are before the Board on appeal. A clean copy thereof appears in the Appendix to this brief.

STATUS OF AMENDMENTS

No actual amendment was filed in response to the Final Rejection, although a request for reconsideration was filed along with a proposed drawing correction in response to the Examiner's request. The Examiner sent an advisory action that the response did not place the case in condition for allowance and acknowledged the drawing correction but failed to indicate if it overcame his objection.

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PAGE 17 * RCVD AT 7/9/2004 6:26:54 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/4 * DNIS:8729319 * CSID:949 760 9532 * DURATION (mm:ss):0246

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Unless the Examiner indicates otherwise in his Brief, it will be assumed that the proposed correction is acceptable.

Thus the claims on appeal are in the form as Finally Rejected.

APPELLANT'S INVENTION

Basically appellant's invention relates to a circuit testing device for testing any of a plurality of electronic devices that receive inputs and output outputs signals without the use of a computer in the actual testing device that does not require a personal computer as a component of the actual testing device. Conventional inspection units operate with a electronic device to be tested is placed therein. Then a connection is made to a PC (personal computer) which controls input signals to the electronic device and measures output from the electronic device. With the PC-connected type of inspection device, measurement and control functions of the inspection are dependent on the performance of the PC. Therefore, stabilized, highly reliable inspection cannot always be made. In addition, the flexibility of such PC-connected type of inspection devices is limited. For example, if a special control is required for each inspection item, for example a temporary stop time control for a very short time, such as in microseconds, before performing measurement, control functions must be set according to the operating system software of the PC. This requires detailed, special knowledge about the operation system of the PC. As a result, considerable time is required before the measurement and control are actually performed. Also with the PC-connected type of inspection device, if an accidental stop of the PC operation due to incorrect operation or failure of the PC further problems arise. To resolve them requires special knowledge of the operating system of the PC. This increases personnel costs, adds to time and trouble of maintenance, and lowers the rate of operation and productivity.

The Steiner US Patent 4,291,404, the sole reference relied upon in the Final Rejection is of this type, as will be discussed further in the Appellant's Argument section of this brief. With appellant's invention, on the other hand, the signal inspection device comprises a memory circuit for storing an inspection program adapted to electronic devices to be inspected and which is capable of being programmed by a personal computer external to the signal inspection device and detachably connectable thereto for programming the memory circuit to suit the electronic device to be tested. The actual embodiment disclosed is described in full detail by reference to the several figures of the drawings under the appropriate heading in the specification.

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ISSUES BEFORE THE BOARD

The issue before the Board on this appeal is whether the language of each of the claims fully reads on US Patent 4,291,404 (Steiner) and is thus anticipated by this reference under 35 USC 102(b).

GROUPING OF CLAIMS

No two of the claims stand or fall together and the patentability of each claim will be argued separately.

APPELLANT'S ARGUMENTS

Since the Examiner's rejection of each claim is based on anticipation, it is only necessary for appellant to demonstrate that the claims do not read upon Steiner. Therefore appellant has set out below each claim with the non-anticipated limitations underlined. Argument as to each of the numbered distinctions will also follow.

Turning first to claim 1, it is reproduced and underlined below with the various underlined portions numbered for later reference in the arguments.

1. A signal inspection device for testing any of a plurality of electronic devices that receive inputs and output outputs signals in response thereto, said signal inspection device comprising a memory circuit for storing an inspection program adapted to electronic devices to be inspected, said memory circuit being (1) capable of being programmed by a personal computer external to said signal inspection device and detachably connectable thereto for programming said memory circuit to suit the electronic device to be tested, a power supply for applying input signals to an electronic device detachably connected to said signal inspection device (2) from said signal inspection device, and a display for receiving and displaying output signals (3) from the electronic device being tested in response to the applied input signals.

Before going into detail as to the underlined and numbered differences, the Board's attention is directed to the fact that Steiner's testing device requires the Microcomputer (Personal computer) to be an integral part of the testing device and thus has the disadvantages of the prior art, as discussed in

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appellant's specification. See for example his column 2, line 42 that refers to "an integral circuit microcomputer".

Turning now specifically to underlined difference 1, this requires the memory circuit to be programmed by the external personal computer. The test procedure memory, identified by the reference numeral 22 in Steiner is controlled and programmed by the integrated Microcomputer 20, which is not external, a feature forming the heart of appellant's invention.

Difference 2 requires the power supply to be controlled by the signal inspection device which excludes the PC, while Steiner controls the power supply from the integral PC 20.

Finally difference 3 requires the display (16 in Steiner) to display the signals from the device tested. Steiner's display only displays in effect a "go" or "no go" signal determined by the integral PC.

Thus in all ways Steiner requires an integral PC, exactly what appellant eliminates.

Turning now to claim 2, this claim depends on claim 1 and further defines over the Steiner reference in further emphasizing item 3 above as follows:

2. A signal inspection device as set forth in claim 1, wherein the display is driven solely by the signal inspection device and operates independently of any personal computer.

As is noted above, the display in Steiner is driven by the PC and its output is further controlled by the PC.

Claim 3 depends on claim 1 and further distinguishes as follows:

3. A signal inspection device as set forth in claim 1, wherein the memory circuit comprises an EEPROM.

Steiner characterizes his memory circuit 22 as a ""read only memory". (see column 4 line 53) The Examiner refers to column 5, lines 17-25 as support for his position, however, this description refers to the construction of the input/ output memory 25 not the memory circuit itself.

Claim 4 depends on claim 3 and further distinguishes as follows:

4. A signal inspection device as set forth in claim 3, characterized in that the inspection program is created as an interactive type of displayed image on the external personal computer and transferred therefrom to the memory circuit.

The Examiner alleges that this is supported in Steiner at column 4, lines 51-56. First of all the quoted portion does not refer to an external PC, as there is none, but refers to the bus connection 18 that is connected to a separate display 16 which is not part of the PC but is an integral part of the test unit.

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In a like manner, the Examiner's reference to Column 7 of Steiner is misplaced because it again refers to the separate display 16.

Turning now to independent claim 5, it distinguishes as follows:

5. A method for testing a plurality of electronic devices external to a signal inspection device and detachably connected thereto and which signal inspection device applies inputs to the tested external electronic device and receives output signals from the tested external electronic device in response thereto comprising the steps of applying an input signal to the tested electronic device from a power supply of a signal inspection device (1) comprising a memory circuit for storing an inspection program adapted to the electronic device and capable of being programmed by an external personal computer, and displaying the output signal from the electronic device being tested in response to the applied input signals on a display of the signal inspection device.

Thus this claim distinguishes in the same manner as item 1 of claim 1. This claim however does not stand or fall with that claim because of the other differences recited in claim 1 and because it is a method, not article claim.

Thus it is most respectfully submitted that the Examiner has failed to make out a single *prima facia case of anticipation* and all of his rejections should be reversed.

Rcspectfully submitted:



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APPENDIX**CLEAN COPY OF CLAIMS ON APPEAL**

1. A signal inspection device for testing any of a plurality of electronic devices that receive inputs and output outputs signals in response thereto, said signal inspection device comprising a memory circuit for storing an inspection program adapted to electronic devices to be inspected, said memory circuit being capable of being programmed by a personal computer external to said signal inspection device and detachably connectable thereto for programming said memory circuit to suit the electronic device to be tested, a power supply for applying input signals to an electronic device detachably connected to said signal inspection device from said signal inspection device, and a display for receiving and displaying output signals from the electronic device being tested in response to the applied input signals.
2. A signal inspection device as set forth in claim 1, wherein the display is driven solely by the signal inspection device and operates independently of any personal computer.
3. A signal inspection device as set forth in claim 1, wherein the memory circuit comprises an EEPROM.
4. A signal inspection device as set forth in claim 3, characterized in that the inspection program is created as an interactive type of displayed image on the external personal computer and transferred therefrom to the memory circuit.
5. A method for testing a plurality of electronic devices external to a signal inspection device and detachably connected thereto and which signal inspection device applies inputs to the tested external electronic device and receives output signals from the tested external electronic device in response thereto comprising the steps of applying an input signal to the tested electronic device from a power supply of a signal inspection device comprising a memory circuit for storing an inspection program adapted to the electronic device and capable of being programmed by an external personal computer, and displaying the output signal from the electronic device being tested in response to the applied input signals on a display of the signal inspection device.